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7 United States of America

8
9 IN THE UNITED STATES DISTRICT COURT
10
11 EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA

13 No. 1:20-cr-00116-JLT-SKO

14 Plaintiff,

15 v.
16
17 **STIPULATION and ORDER for
CONTINUANCE OF STATUS CONFERENCE;
JOINT STATUS REPORT**

18 PAO VANG,
19 a/k/a “CLOWNSY,”
20 JHOVANNY DELGADO-MARCELO
21 a/k/a “JHIO,” and
22 JOHNNY XIONG,

23 Date: March 6, 2024
24 Time: 1:00 p.m.
25 Court: Hon. Sheila K. Oberto

26 Defendants.

27
28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
30 through defendant’s counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for status conference on March 6, 2024.

32 2. On January 24, 2024, the government extended plea offers to the defendants. The parties
33 have since conferred extensively about the plea offers and the status of the case. Defense counsel
34 require additional time to discuss the plea offers with their clients. Thus, the parties request the status
35 conference be continued for that purpose.

36 3. Alternatively, the parties are available to discuss the procedural posture of the case with
37 the court further at the March 6, 2024, status conference. The defendants request to appear in person.

38 4. By this stipulation, defendant now moves to continue the status conference until June 5,

1 2024, and to exclude time between March 6, 2024, and June 5, 2024, under 18 U.S.C. § 3161(h)(7)(A),
2 B(ii) [Local Code T4].

3 5. The parties agree and stipulate, and request that the Court find the following:

4 a) The government has represented that the discovery associated with this case
5 includes reports, photographs, audio recordings, etc... All of this discovery has been produced
6 directly to counsel and/or made available for inspection. Further, the government recently
7 conveyed plea agreements to the defendants.

8 b) Counsel for defendants desire additional time to consult with their clients, review
9 the voluminous discovery, conduct independent investigation, and pursue a potential pretrial
10 resolution of the case.

11 c) Counsel for defendants believe that failure to grant the above-requested
12 continuance would deny him/her the reasonable time necessary for effective preparation, taking
13 into account the exercise of due diligence.

14 d) The government does not object to the continuance.

15 e) Based on the above-stated findings, the ends of justice served by continuing the
16 case as requested outweigh the interest of the public and the defendant in a trial within the
17 original date prescribed by the Speedy Trial Act.

18 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
19 et seq., within which trial must commence, the time period of March 6, 2024 to June 5, 2024,
20 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
21 because it results from a continuance granted by the Court at defendant's request on the basis of
22 the Court's finding that the ends of justice served by taking such action outweigh the best interest
23 of the public and the defendant in a speedy trial.

24 6. Nothing in this stipulation and order shall preclude a finding that other provisions of the
25 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
26 must commence.

1
2 Dated: February 28, 2024

PHILLIP A. TALBERT
United States Attorney
/s/ Kimberly A. Sanchez
KIMBERLY A. SANCHEZ
Assistant United States Attorney

3
4 Dated: February 28, 2024

/s/ Erin Snider
Attorney for Defendant
JHOVANNY DELGADO-MARCELO

5
6 Dated: February 28, 2024

/s/ Robert Lamanuzzi
Attorney for Defendant
JOHNNY XIONG

7
8 Dated: February 28, 2024

/s/ Harry Drandell
Attorney for Defendant
PAO VANG

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15 ORDER

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17 The status conference scheduled for March 6, 2024, is continued until June 5, 2024, and time is
18 excluded between March 6, 2024, and June 5, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(ii).

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21 IT IS SO ORDERED.

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23
24 DATED: 2/28/2024

Sheila K. Oberto
25 THE HONORABLE SHEILA K. OBERTO
26 UNITED STATES MAGISTRATE JUDGE